

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DUSTY STEELE NIELSEN,

Plaintiff,

v.

CLARK COUNTY JAIL, CLARK
COUNTY SHERIFF'S OFFICE,

Defendants.

CASE NO. 3:16-CV-05822-RBL-DWC

REPORT AND RECOMMENDATION

Noting Date: December 23, 2016

The District Court has referred this 42 U.S.C. § 1983 action to United States Magistrate Judge David W. Christel. Plaintiff Dusty Steele Nielsen, proceeding *pro se*, filed a Motion for Leave to Proceed *In Forma Pauperis* ("Motion") on September 26, 2016. Dkt. 1. Plaintiff did not file a complaint with his Motion. *See* Dkt. 1. The Clerk of Court instructed Plaintiff to file a complaint on the proper complaint form by October 27, 2016. Dkt. 2.¹ Plaintiff did not file a complaint and, on November 1, 2016, the Court ordered Plaintiff to file a complaint by

¹ The Clerk of Court provided Plaintiff with a complaint form. *See* Dkt. 2.

1 December 1, 2016. Dkt. 3. The Court warned failure to file a complaint would result in the Court
2 recommending dismissal of this action. *Id.*

3 Plaintiff has not filed a complaint or responded to the Court's Order. As Plaintiff has
4 failed to (1) file a complaint, (2) respond to the Court's Order, and (3) prosecute this case, the
5 Court recommends this case be dismissed without prejudice.

6 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
7 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
8 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
9 objections for purposes of appeal. *Thomas v Arn*, 474 U.S. 140 (1985). Accommodating the time
10 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on
11 December 23, 2016, as noted in the caption.

12 Dated this 6th day of December, 2016.

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15 David W. Christel
16 United States Magistrate Judge
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